

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 18, 2005 - KL

Division: County Attorney

Bulk Item: Yes XX No     

Staff Contact Person: Pedro Mercado

**AGENDA ITEM WORDING:**

### Consideration of Settlement Offer by Blair and Althea Mooney.

**ITEM BACKGROUND:**

On 9/6/03, the Code Enforcement Special Master imposed a daily fine of \$500.00 against the Blair and Althea Mooney property on Summerland Key for engaging in commercial expansion by adding outside seating, decking, fencing, awning, screening and electrical without planning department approval. The property was brought into compliance on June 23, 2004. On 8/25/04 the Special Master authorized the initiation of collection proceedings of the fine and costs which total \$146,100.00. Attorney Theodore Herzog, who has been retained by the Mooney's, is seeking a settlement of the fine in an amount less than what has been proposed by the County. The County has offered to settle the outstanding lien for \$14,610, (ten percent of the original fine). The County has not agreed to a lesser amount due to the length of time it has taken to bring the property into compliance and the nature and circumstances of the underlying violation.

**PREVIOUS RELEVANT BOCC ACTION:**

The BOCC authorized collection at the November BOCC meeting.

**CONTRACT/AGREEMENT CHANGES:**

N/A

**STAFF RECOMMENDATIONS:**

Reject the settlement offer.

**TOTAL COST: N/A**

**BUDGETED:** Yes \_\_\_\_\_ No \_\_\_\_\_

**COST TO COUNTY: N/A**

**SOURCE OF FUNDS: N/A**

REVENUE PRODUCING: Yes XX No     

AMOUNT PER MONTH \_\_\_\_\_ Year \_\_\_\_\_

**APPROVED BY:** County Atty XX OMB/Purchasing      Risk Management

**DIVISION DIRECTOR APPROVAL:**

John R. Collins 05/02/05  
JOHN R. COLLINS, COUNTY ATTORNEY

**DOCUMENTATION:** Included

Not Required XX

**DISPOSITION:** \_\_\_\_\_

AGENDA ITEM # \_\_\_\_\_